

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WALTER WALSH, *individually and on behalf*
of all others similarly situated,

Plaintiff,

-against-

ADOPTION ORDER
20-CV-1482 (JS) (ST)

MARK S. RICCIARDI, ESQ., P.C.,

Defendant.

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APPEARANCES

For Plaintiff: Jonathan M. Cader, Esq.
Craig B. Sanders, Esq.
Barshay Sanders, PLLC
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Garden City, New York 11530

David M. Barshay, Esq.
Jitesh Dudani, Esq.
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For Defendant: Daniel S. Moretti, Esq.
Samuel H. Taterka, Esq.
Tina Bhatt, Esq.
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New York, New York 10271

SEYBERT, District Judge:

Plaintiff Walter Walsh, individually and on behalf of
all others similarly situated, commenced this action against
defendant Mark S. Ricciardi, Esq., P.C. ("Defendant"), asserting
violations of the Fair Debt Collection Practices Act ("FDCPA"),
15 U.S.C. § 1692, et seq. (Am. Compl., ECF No. 10.)

On September 24, 2020, Defendant filed a motion to dismiss the Amended Complaint. (Mot., ECF No. 17; Opp., ECF No. 18; Reply, ECF No. 21.) On May 5, 2021, this Court referred the motion to Magistrate Judge Steven Tiscione for a report and recommendation. (See May 5, 2021 Elec. Order.) On June 4, 2021, Judge Tiscione issued a Report and Recommendation ("R&R") and recommended that the Court deny Defendant's motion to dismiss. (See generally R&R, ECF No. 23.) Specifically, Judge Tiscione found that the Amended Complaint plausibly alleges that Defendant is a debt collector under the FDCPA. (Id. at 3-9.)

The time to object has expired and no objections to the R&R have been filed. Upon careful review and consideration, the Court finds Judge Tiscione's R&R to be comprehensive, well-reasoned, and free of clear error. Accordingly, the Court ADOPTS the R&R (ECF No. 23) in its entirety and Defendant's motion to dismiss (ECF No. 17) is DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 21, 2021
Central Islip, New York